



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

FEB 25 2013

Mr. Luis Lopes, Superintendent
Southeastern Regional School District
250 Foundry Street
South Easton, Massachusetts 02375

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(c)
and § 761.79(h)
Southeastern Regional Vocational Technical High School
South Easton, Massachusetts

Dear Mr. Lopes:

This is in response to the Southeastern Regional School District (SRSD) Notification¹ for approval of a proposed plan to address PCB contamination located in the 1965 portion of the building known as Southeastern Regional Vocational Technical High School, (SRVTHS, "the Site") at 250 Foundry Street, South Easton, Massachusetts. The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and in the adjacent building substrates (i.e., brick and cement/concrete).

In its Notification SRSD has proposed the following PCB cleanup and disposal plan:

- o Remove greater than or equal to (\geq) 50 parts per million (ppm) PCB caulk (i.e., vent, and exterior window and expansion joint caulk) and dispose at a TSCA-approved disposal facility or at a RCRA hazardous waste landfill;

¹ The Notification was prepared by Smith & Wessel Associates, Inc. on behalf of the Southeastern Regional School District to satisfy the requirements under 40 CFR§ 761.61 (c) and § 761.79(h). Information was submitted dated February 29, 2012 (Work Plan for Removal of Polychlorinated Biphenyls in Caulking-Southeastern Regional Vocational Technical High School), May 1, 2012 (Remediation Contractor Work Plan for Window Removal and Remediation (from Triumvirate Environmental)), October 11, 2012 (Response to EPA Comments), December 31, 2012 (2nd Response to EPA comments, revised Remediation Plan, and revised Contractor Work Plan), January 30, 2013 (email response to EPA soil sampling questions), February 11, 2013 (email response to question concerning interior caulk), and February 15, 2013 (2nd revised Contractor Work Plan) . These submittals shall be referred to as the "Notification".

- Remove *non-porous surfaces* (e.g., window/door frames) in contact with the PCB caulk and decontaminate to less than or equal to $(\leq) 1 \mu\text{g}/100 \text{ cm}^2$;
- *Porous surfaces* (e.g., brick and concrete/cement) with greater than $(>) 1 \text{ ppm}$ PCBs, in contact with PCB caulk will be encapsulated with an epoxy or acrylic coating, as specified in the Notification. Concrete mullions will be completely encapsulated. Brick will be encapsulated within a distance of 2 inches and the cement at vent openings will be encapsulated within 4 inches of the caulk joint;
- Remove bulk *PCB remediation waste* (i.e., soils) to a depth of 6 inches and to a distance of 3 feet from the edge of the 1965 building and dispose at a TSCA-approved disposal facility or at a RCRA hazardous waste landfill; and,
- Conduct verification sampling to confirm that the PCB concentrations in the encapsulated *porous surfaces* are $\leq 1 \mu\text{g}/100 \text{ cm}^2$, that the PCB concentrations in the decontaminated *non-porous surfaces* are $\leq 1 \mu\text{g}/100 \text{ cm}^2$, and that PCB concentrations in soils are $\leq 1 \text{ ppm}$.

Based on the EPA's review, the information provided in the Notification meets the requirements under § 761.62(a) and § 761.79(h) for abatement of PCB caulk and § 761.61(c) for decontamination and/or encapsulation of the *non-porous* and *porous surfaces*. EPA finds that the proposed encapsulation of PCB-contaminated *porous surfaces* should effectively prevent direct exposure of these PCB-contaminated *porous surfaces* to building users provided the encapsulated surfaces are maintained. As such, EPA may approve the encapsulation under § 761.61(c).

Additionally, SRSD has proposed an alternative verification sampling plan for bulk *remediation waste* (i.e., soil). Given the data and the proposed removal, it appears that the data is sufficient to support the SRSD's deviation request for verification sampling. EPA finds that the proposed verification sampling deviation will not create an unreasonable risk to public health or the environment based on the information provided. EPA may approve the sampling deviation under § 761.61(c).

SRSD may proceed with its project in accordance with 40 CFR § 761.61(c); § 761.62(a); § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is reserving its right to require additional investigation or mitigation measures should the results of the long-term monitoring sampling indicate an unreasonable risk to the building users.

This Approval only addresses cleanup and disposal of the exterior PCB caulk with concentrations $\geq 50 \text{ ppm}$ and *PCB remediation waste* identified at the Site to date. In the event SRSD identifies additional PCB contamination at the Site, including but not limited to interior PCB caulk, SRSD may modify its plan to clean up these PCBs in accordance with Attachment 1, Condition 24. Otherwise, SRSD shall submit a separate plan to address cleanup of the PCB materials in accordance with 40 CFR Part 761.

A Contractor Work Plan was submitted as part of the Notification. However, the Contractor Work Plan did not identify where PCB waste would be disposed of. Please be aware that EPA is requiring that the selected contractor identify the disposal facility prior to removal of PCB waste from the Site. (Attachment 1, Approval Condition 12)

Please be aware that this Approval requires that SRSD conduct outreach activities for the school community concerning the PCB remediation work. Documentation of the outreach effort shall be submitted to EPA. (Attachment 1, Approval Condition 13)

Please note that SRSD will be required to record a notation on the deed for the Site as required under § 761.61(a)(8) since PCBs at > 1 ppm will remain on the Site.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens, III, Director
Office of Site Remediation & Restoration

cc William Wessel, Smith & Wessel Associates, Inc
MassDEP, Southeast Region
Jennifer Nichols, Easton Board of Health
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
SOUTHEASTERN REGIONAL VOCATIONAL TECHNICAL
HIGH SCHOOL (the Site)
250 FOUNDRY STREET
SOUTH EASTON, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. Southeastern Regional School District (SRSD) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. SRSD must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, SRSD shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. SRSD is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time SRSD has or receives information indicating that SRSD or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by SRSD are authorized to conduct the activities set forth in the Notification. SRSD is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release SRSD from compliance with any applicable requirements of federal, state or local law; or 3) release SRSD from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from SRSD of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. SRSD shall submit the following information to EPA:
 - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
 - b. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval
12. Prior to removal of the PCB waste from the Site, SRSD and its selected contractor shall provide the name of the final PCB disposal facility to EPA.

DECONTAMINATION AND DISPOSAL CONDITIONS

13. SRSD shall conduct outreach activities for the Southeastern Regional Vocational Technical School community on the PCB remediation work. SRSD shall submit information on its outreach activities within 30 days of receipt of this Approval.
14. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

15. All visible residues of PCB caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
16. Following encapsulation of PCB-contaminated *porous surfaces* sampling shall be conducted to determine the effectiveness of the encapsulation.
 - a. Wipe sampling of encapsulated *porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100\text{ cm}^2$). Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
 - b. In the event that the PCB concentration of any wipe sample is greater than ($>$) $1\text{ }\mu\text{g}/100\text{ cm}^2$, and if this standard cannot be achieved with the application of additional encapsulant, SRSD shall contact EPA for further discussion and direction on alternatives.
17. The cleanup standard for *non-porous surfaces* (i.e., metal window/door frames and vent louvers) shall be less than or equal to (\leq) $1\text{ }\mu\text{g}/100\text{ cm}^2$.
 - a. *Non-porous surfaces* shall be cleaned as described in the Notification.
 - b. Post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100\text{ cm}^2$) and in accordance with Subpart P.
 - c. In the event decontaminated *non-porous surfaces* have PCB concentrations at greater than ($>$) $1\text{ }\mu\text{g}/100\text{ cm}^2$ PCBs, SRSD may conduct additional decontamination to achieve the required $\leq 1\text{ }\mu\text{g}/100\text{ cm}^2$ decontamination standard for use. Alternatively, SRSD may dispose of these *non-porous surfaces* in accordance with § 761.61(a)(5)(ii)(B).
 - d. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
18. The cleanup standard for *PCB remediation waste* (i.e., soil) shall be $\leq 1\text{ ppm}$ for unrestricted use or disposal.

- a. All verification samples of bulk *PCB remediation waste* (i.e., soils) shall be collected on a bulk basis (i.e., mg/kg). Samples shall be collected at a frequency of one (1) sample every 20 linear feet (lf).
 - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
19. Within 30 days of receipt of this Approval, SRSD shall submit its proposed plan for post-abatement indoor surface sampling and indoor air sampling for EPA review and approval.
- a. Wipe sampling of indoor surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100\text{ cm}^2$). Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q. The laboratory reporting limit shall be $\leq 1\text{ }\mu\text{g}/100\text{ cm}^2$.
 - b. Indoor air sampling shall be conducted in accordance with EPA Method TO-10A or EPA Method TO-4A. Sufficient sample volumes shall be collected to provide a laboratory reporting limit of $\leq 0.050\text{ }\mu\text{g}/\text{m}^3$ for total PCBs. PCB analysis shall be conducted for PCB homologues and/or PCB congeners by EPA Method 680 or EPA Method 1668.
20. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED RESTRICTION AND USE CONDITIONS

21. Within thirty (45) days of completing the activities described in the Notification and in the Approval, SRSD shall submit for EPA review and approval, a draft deed restriction for the Site where PCBs greater than ($>$) 1 ppm remain. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of the use restrictions for the Site, if any; and, the long-term monitoring and maintenance requirements on the Site. Within seven (7) days of receipt of EPA's approval of the draft deed restriction, SRSD shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

22. Within 60 days of completion of the work authorized under this Approval, SRSD shall submit for EPA's review and approval, a detailed monitoring and maintenance implementation plan (MMIP) for the surface barriers. SRSD shall incorporate any changes to the MMIP required by EPA.
- a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable
 - b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including teachers, parents, student, other on-site workers, and interested stakeholders.
 - c. The MMIP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the barriers encapsulating the PCB-contaminated surfaces.
 - d. SRSD shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
 - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.

23. SRSD shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by SRSD to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
24. Any modification(s) in the plan, specifications, or information submitted by SRSD, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. SRSD shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
25. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from SRSD to make a determination regarding potential risk.
26. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

27. SRSD shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by SRSD in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
28. As required under Condition 22 of this Approval, SRSD shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA.

29. SRSD shall submit a final report as both a hard copy and electronic version, to the EPA within 90 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a copy of the recorded deed restriction and a certification signed by a SRSD official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
30. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
31. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1